

REMARKS

The Office Action of July 2, 2008 (hereinafter "Office Action"), objected to Claims 29-34 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1-7, 13, and 22-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,397,199, to Goodwin III (hereinafter "Goodwin") in view of U.S. Patent No. 7,177,825, to Borders et al. (hereinafter "Borders"). Claims 8-12 and 14-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Goodwin and Borders, and further in view of U.S. Patent Application No. 2002/0173996, to Murch et al. (hereinafter "Murch"). Claims 26-28 and 35-88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodwin in view of Borders under the same rationale as Claims 1-7, 13, and 22-25 as they disclose the same invention concept as Claims 1-25.

With this response, Claims 1-22, 24-39, 41-64, 66-80, and 82-88 remain pending in the application. In view of the amendments to the claims and the arguments set forth below, applicants respectfully traverse the rejections of Claims 1-22, 23-39, 41-64, 66-80, and 82-88 and request reconsideration and allowance of the claims.

35 U.S.C. § 103(a) Rejections over Goodwin and Borders

As indicated above, Claims 1-7, 13, and 22-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodwin in view of Borders.

Independent Claim 1 has been amended to recite "inventory records defining a third level of detail corresponding to instances of inventory item types referenced by at least two of the set of item category records, wherein the third level of detail of each inventory record in the hierarchy describes distinct instances of inventory items than that of another inventory record, **the distinct instances of inventory items including price with price adjustments applied to the price.**" (Emphasis added.) Applicants submit that Claim 1, as amended, is clearly

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patentably distinguishable over the cited and applied references as neither reference, taken alone or in combination, teach or suggest the above quoted recitation. Dependent Claims 2-7, 13, and 22-25 are submitted to be allowable for at least the same reasons as independent Claim 1 and because of additional limitations added by those claims.

35 U.S.C. § 103(a) Rejections in view of Goodwin, Borders, and Murch

As indicated above, Claims 8-12 and 14-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Goodwin and Borders, and further in view of Murch. Applicants note that the earliest priority date for Murch, April 12, 2001, is prior to the filing date (August 17, 2001) of the present application. However, the publication date for Murch is November 21, 2002, after the filing date of the present application. Hence, Murch is a 35 U.S.C. § 102(e) reference. Murch is assigned to Expedia, Inc., the assignee of the present application. As a result, applicants make the following statement:

The present application (U.S. Patent Application No. 09/932,441) and U.S. Patent Publication No. 2002/0173996 (Murch) were, at the time the invention of the present application was made, owned by Expedia, Inc.

Applicants respectfully submit that pursuant to 35 U.S.C. § 103(c), the foregoing statement disqualifies Murch as a reference under 35 U.S.C. § 103(a). As a result, in the absence of a proper reference for the rejection under 35 U.S.C. § 103(a), Claims 8-12 and 14-21 are submitted to be allowable over Goodwin, Borders, and Murch.

35 U.S.C. § 103(a) Rejections of Claims 26-28 and 35-88

As indicated above, Claims 26-28 and 35-88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodwin in view of Borders under the same rationale as Claims 1-7, 13, and 22-25 as they disclose the same invention concept as Claims 1-25. Because independent Claims 26, 44, 72, and 82 have been amended in a manner similar to, and with subject matter

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close to that of Claim 1, albeit in a slightly different form, Claims 26, 44, 72, and 82 are submitted to be allowable for at least the same reasons as Claim 1. Dependent Claims 27-28, 35-39, 41-43, 45-64, 66-71, 73-80, and 83-88 are submitted to be allowable for at least the same reasons as Claims 26, 44, 72, and 82. Applicants note that Claims 40, 65, and 81 had been canceled in the course of earlier prosecution and their rejection is thus moot.

Allowable Subject Matter

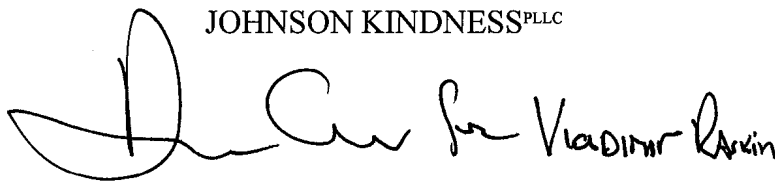
Applicants wish to thank Examiner Elisca for indicating that Claims 29-34 would be allowable if rewritten in independent form including all of the limitations of the base claim. Claim 29 has been rewritten in independent form including all of the limitations of base Claim 26. As result, Claim 29, as amended, and Claims 30-34 that depend directly from Claim 29 are submitted to be allowable.

CONCLUSION

In light of the above amendments and remarks, applicants submit that the pending claims are in condition for allowance. Reconsideration and allowance at an early date is requested. In order to more efficiently facilitate the prosecution of this matter, should the Examiner have any questions regarding this matter, the Examiner is invited to contact the applicants' undersigned counsel at the number below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Vladimir Raskin", is written over the printed name.

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